

Jul 07, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KATHLEEN R.,

No. 4:20-CV-5232-JTR

v.

ANDREW M. SAUL,
COMMISSIONER OF SOCIAL
SECURITY,

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

Defendant.

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 19. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Lars Joseph Nelson represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 6. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 19**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative action pursuant to sentence four of 42 U.S.C. § 405(g).

On remand, the Appeals Council will direct the Administrative Law Judge to: (1) consider whether Plaintiff's respiratory impairment meets or equals a Listing under 3.00 in 20 C.F.R. Part 404, Subpart P, Appendix 1, and obtain

1 medical expert evidence to assist with that determination; (2) obtain vocational
2 expert evidence if necessary; (3) offer Plaintiff the opportunity for a *de novo*
3 hearing; (4) take any further action needed to complete the administrative record;
4 and (5) issue a new decision.

5 2. **Judgment shall be entered for PLAINTIFF.**

6 3. Plaintiff's Motion for Summary Judgment, **ECF No. 15**, is
7 **STRICKEN AS MOOT.**

8 4. An application for attorney fees and costs may be filed by separate
9 motion.

10 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
11 Order, forward copies to counsel, and **CLOSE THE FILE.**

12 DATED July 7, 2021.



A handwritten signature in black ink, appearing to be "M", is written above a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE